

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 13-cv-00111-RM-BNB

JOE M. TONEY, JR.,

Plaintiff,

v.

WARDEN BERKEBILE,
A.W. HALL,
A.W. KUTA,
S.I.S. REDDEN,
R. MARTINEZ,
MS. RANGEL,
MS. SUDLOW, and
MR. MADISON,

Defendants.

**ORDER ADOPTING
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE (ECF No. 70)
AND DENYING
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION (ECF No. 59)**

THIS MATTER is before the Court on the August 14, 2013 Recommendation of United States Magistrate Judge Boyd N. Boland (“Recommendation”) (ECF No. 70) that Plaintiff Joe M. Toney, Jr.’s (Plaintiff”) Motion for a Temporary Restraining Order and a Preliminary Injunction (“Motion”) (ECF No. 59) be denied. The Recommendation is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B); FED. R. CIV. P. 72(b).

The Recommendation advised the parties that specific written objections were due within 14 days after being served with a copy of the Recommendation. No objections to the Magistrate Judge's Recommendation have to date been filed and the time for doing so has expired.

The Court concludes the Magistrate Judge's analysis was thorough and sound, and that there is no clear error of law or abuse of discretion. *See* FED. R. CIV. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see also Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate.").

In accordance with the foregoing, the Court **ORDERS** as follows:

1. The Magistrate Judge's Recommendation (ECF No. 70) is **ADOPTED** in its entirety; and
2. The Plaintiff's Motion (ECF No. 59) is **DENIED**.

DATED this 16th day of September, 2013.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge